

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DAVID J. SCOTT

Plaintiff,

Case No. 06-13916

v.

HONORABLE ARTHUR J. TARNOV  
UNITED STATES DISTRICT JUDGE

DANIEL A. BURRESS, *ET AL.*,

MAGISTRATE JUDGE  
VIRGINIA M. MORGAN

Defendants.

/

**ORDER DENYING PLAINTIFF'S APPEAL AND REVIEW  
OF THE MAGISTRATE JUDGE'S ORDER DENYING REQUEST FOR  
APPOINTMENT OF COUNSEL [D/E # 37]**

Before the court is Plaintiff's "Appeal and Review of the Magistrate Judge's Order Denying Request for Appointment of Counsel." On January 29, 2007, Plaintiff filed a motion to appoint counsel which was later referred to the Magistrate. The Magistrate issued an order on February 16, 2007 denying without prejudice Plaintiff's motion to appoint counsel. Plaintiff seeks review of that order arguing that counsel should be appointed because the particular Defendants either have a more sophisticated knowledge of the legal system or will have access to experienced litigators. In addition, Plaintiff argues that this Court should appoint *pro bono* counsel because complex issues are bound to arise in the case.

This Court agrees with the Magistrate that at this juncture in the case counsel shall not be appointed, but that Plaintiff may re-raise the issue once rulings have been issued on the pending dispositive motions. 28 U.S.C. § 1915(e)(1) provides that the court "may request an attorney to represent any person unable to afford counsel." (Emphasis added). This Court declines to exercise this discretionary authority at this time.

**IT IS HEREBY ORDERED** that Plaintiff's Appeal and Review of Magistrate Judge's

Order Denying Request for Appointment of Counsel is **DENIED**.

S/ARTHUR J. TARNOW

Arthur J. Tarnow  
United States District Judge

Dated: June 1, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 1, 2007, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager